

PART 1 – INTRODUCTION

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CHAPTER 1 – ORGANIZATION

Section 1-101 Title.

Section 1-102 Authority. Purpose and Scope.

Section 1-103 How to Use the Zoning and Development Code.

Section 1-101 Title.

This Code shall be known and may be cited as the “Zoning and Development Code of the City of Tempe ~~(ZDC).~~”

Section 1-102 Authority. Purpose and Scope.

A. Authority. The authority for this Code is Arizona Revised Statutes (ARS) Section 9-462 et seq. which provides for the regulation of land and land use by municipalities in Arizona.

A.B. **Purpose and Intent.** This Code is adopted to implement Tempe’s General Plan and to promote: public health, safety, convenience, aesthetics and welfare; efficient use of land; sustainable land use and *building* practices; transportation options and *accessibility*; crime prevention; timely citizen involvement in land use decision-making; and effective and efficient ~~in~~ development review and land use administration.

B.C. **Scope.** Consistent with the above purpose and intent, this Code: establishes land uses classifications; creates zoning districts; ~~imposes~~ establishes regulations, prohibitions and restrictions on land use and *development*; governs the use of land for residential and non-residential purposes; regulates ~~and limits~~ the height and bulk of *buildings* and other *structures*; ~~limits~~ regulates lot occupancy and the size of *yards* and other open spaces; establishes standards of performance and design; adopts a map of the zoning districts; creates boards and commissions for land use and *development* decisions and defines the powers and duties of the boards and commissions; prescribes procedures for ~~changes of districts~~ amendments to the zoning map, *use permits*, *development plan* and land division approvals, *variances* and other permits; prescribes penalties for violations of the Code; ~~and repeals Ord. No. 808 and all conflicting regulations.~~

State law reference: A.R.S. 9-462.01, Zoning regulations; public hearing; definitions.

Section 1-103 How to Use the Zoning and Development Code.

~~The City of Tempe Zoning and Development Code (“this Code”)~~This Code governs land use and *development* within the incorporated limits of the City of Tempe. The seven parts of the Code, the Zoning Map and Appendix are used together in the review of land use and *development* applications, enforcement of zoning and land use regulations, and implementation of the Tempe General Plan. They are organized as follows:

Note—Whenever *italicized* words or terms appear, it shall indicate these terms are defined in Part 7, Definitions.

- A. **Part 1 – Introduction and General Provisions.** In addition to this chapter (Chapter 1 – Organization), Part 1 provides information on the legal construction of the Code, enforcement, general provisions (Chapter 2), and information on city officers, boards and commissions (Chapter 3).
- B. **Part 2 – Establish Zoning Districts.** Part 2 identifies the city’s zoning (land use) districts. Every parcel, *lot*, and tract of land within the city’s incorporated boundaries is located within a zoning district, as depicted on the City of Tempe Zoning Map. Four general types of districts are provided: Residential, Commercial, *Mixed-Use*, and *Office/Industrial*. Further divisions within each category provide a range of low to high-*density development*. *Overlay districts* are provided for special situations and/or distinct geographic areas.
- C. **Part 3 – Land Use.** Part 3 indicates the land uses that are permitted within each zoning district and provides standards for specific types of land uses. The Code is intended to implement the vision and policies of Tempe’s General Plan by reserving land for planned land uses, providing compatibility between different types of uses, and integrating land use and transportation planning.
- D. **Part 4 – Development Standards.** Part 4 provides standards for housing *density*; *building height*, bulk and *setbacks*; public infrastructure; building design; vehicle and bicycle *parking*; *landscapes*; access and circulation for pedestrians and vehicles; *signs*; and lighting; ~~and transportation demand management~~.
(Clarification)
- E. **Part 5 – Overlay Districts.** Part 5 contains the city’s overlay zoning districts. ~~Overlay zones—districts~~ in Tempe include the following: Rio Salado Overlay District, Southwest Tempe Overlay District, ~~and Light-General~~ Industrial Overlay District and Planned Area Development Overlay Districts. The geographic boundaries of these areas are shown on the zoning map.
- F. **Part 6 – Administration and Process.** Part 6 provides all of the application requirements and procedures for obtaining approvals required by this Code.
- G. **Part 7 – Definitions.** Part 7 provides definitions for certain terms and words used in this Code.

~~H. Index. An index is provided to easily reference key terms and phrases.~~

I.H. **Appendix.** The Appendix contains a fee schedule, and various administrative rules and guidelines, as may be adopted and updated from time to time by the city departments and divisions. The administrative rules and guidelines provide guidance and direction to applicants, property owners, and city staff; they are not Code standards, although Code standards and approval criteria may refer to these rules and guidelines.

I. **Index.** An index is provided within the appendix to easily reference key terms and phrases.

CHAPTER 2 – GENERAL PROVISIONS

Section 1-201	Violations and Penalties.
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Section 1-209	Fractions Measurement.
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Section 1-201 Violations and Penalties.

- A. Violations.** It is ~~unlawful-a violation~~ to construct, erect, install, alter, change, maintain, use or to permit the construction, erection, installation, *alteration*, change, *maintenance* or use of any house, *building*, *structure*, *sign*, *landscape* area, *parking lot*, or fence, or to use or permit the use of any *lot* or other land contrary to, or in violation of any of the provisions of this Code. Any land use that is specifically prohibited by this Code, or is unspecified and not classified by the Zoning Administrator, is prohibited in any district.
- B. Number of Offenses.** Every such *person*, firm or corporation shall be deemed responsible or guilty of a separate offense for each and every day during which any violation is committed or continued.
- ~~C.D.~~ Property Owner is Responsible Party.** The ~~responsible party is any~~ owner or *person* in possession of any property, ~~used in violation of this Code and- The responsible party~~ shall be responsible for any violation thereof, whether or not ~~he or she or his or her~~ the designated agent has committed the prohibited act or acts or has neglected to prevent the performance of the prohibited act or acts by another *person*.
- ~~D.E.~~ Penalty.** – Any *person*, ~~firm or corporation~~ violating any of the provisions of this Code and any amendments thereto shall be either:
1. Subject to a civil ~~fine-sanction~~ of not less than one hundred dollars (\$100), nor more than one thousand dollars (\$1000); or

2. Guilty of a class 1 misdemeanor, punishable by a fine not exceeding two thousand five hundred dollars (\$2500), or by a term of probation not exceeding three (3) years or imprisonment for a term not exceeding six (6) months, or punishable by a combination of fine, probation or imprisonment. The city prosecutor is authorized to file a criminal misdemeanor complaint in the Tempe Municipal Court for violation of this chapterCode.

Section 1-202 **Repeal, Saving Clause and Application.**

- A. **Repeal.** All Codes or parts of Codes in conflict herewith are hereby repealed, including but not limited to, Ord. No. 808, the “Zoning Ordinance of the City of Tempe, Arizona,” and all amendments thereto. All rights or remedies of the City of Tempe are expressly saved as to any and all violations of such repealed ordinance, and all amendments thereto. Courts of competent jurisdiction shall have all the powers that existed prior to the effective date of this Code as to all violations that have accrued at the time of the effective date of this Code. All existing violations of the “Zoning Ordinance of the City of Tempe, Arizona,” Ordinance No. 808, and all amendments thereto, which may otherwise become nonconforming uses under this ordinance, shall not become legal nonconforming uses, but shall be considered as violations of this ordinance in the same manner that they were violations of the “Zoning Ordinance of the City of Tempe, Arizona,” Ordinance No. 808, and all amendments thereto.
- B. **Saving Clause.** Should any section or provision of this Code be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Code as a whole, or any part thereof other than the part so decided to be unconstitutional or invalid.
- C. **Application.** The repeal of the Codes or parts thereof by this Code shall not:
 1. Affect suits pending or rights existing immediately prior to the effective date of this Code;
 2. Impair, avoid, or affect any grant or conveyance made or right acquired or cause of action now existing under any such repealed Code or amendment thereto; or
 3. Affect or impair the validity of any bond or other obligation issued or sold and constituting a valid obligation of the issuing authority immediately prior to the effective date of this Code.

Section 1-203 **Compliance and Scope.**

- A. **Compliance.** Land and *structures* may be used or developed by construction, reconstruction, *alteration*, occupancy, use or otherwise, only as allowed in this Code. No subdivision plat shall be recorded or no building permit shall be issued without compliance with the provisions of this Code.

- B. Obligation by Successor.** The requirements of this Code apply to the owner(s) of record, *persons* undertaking the *development* or use of land, and to those *persons'* successors in interest.
- C. Most Restrictive Regulations Apply.** Where this Code imposes greater restrictions than those imposed or required by other rules or regulations, the most restrictive or that imposing the higher standard shall govern.
- D. Variances.** *Variances* shall be governed by the provisions of Section 6-310.
- E. Transfer of Development Standards Prohibited.** No *lot* area, *yard*, *landscape*, open space, off-street *parking* or loading area, or other feature which is required by this Code for one use shall be a required *lot* area, *yard*, *landscape*, open space, or off-street *parking* or loading area for another use, except as otherwise specifically allowed by this Code.

Section 1-204 Conformance with General Plan.

All *development*, uses, and district changes in the City of Tempe shall be consistent in conformance with the Tempe General Plan as implemented by this Code. All provisions of this Code shall be construed in conformity with the adopted General Plan, and any amendments which may be approved by the city from time to time.

State law reference: A.R.S. 9-462.01(F), Zoning regulations; public hearing; definitions.

Section 1-205 Use of Real Property.

Land shall be used only for lawful uses. A lawful use is one that is permitted by this Code and is not prohibited by law. Part 3, Land Use, sets forth the uses permitted by this Code.

Section 1-206 Pre-Existing Approvals (Grandfathered Approval).

- A. Legality of Pre-Existing Approvals.** *Developments* and uses for which approvals were lawfully granted prior to the effective date of this Code, may occur pursuant to such approvals.
- B. Subsequent Applications.** All applications for uses, *development*, and permits received by the city after [the effective date], including modifications processed under Section 6-313, shall conform to the provisions of this Code.

Section 1-207 Building Permit and Certificate of Occupancy.

- A. Building Permit.** A building permit shall not be issued until the Development Services Department has determined that the proposal complies with all of the applicable land use and *development* standards contained in this Code, with the exception of pre-existing approvals pursuant to Section 1-206 A.

- B. Certificate of Occupancy.** To ensure completion of a *building* in the manner approved by the city, the *building* shall not be occupied and a use shall not begin until the Development Services Department Building Safety has issued a certificate of occupancy.
- C. Prior to Final Completion.** Prior to the final completion of all work, a temporary certificate of occupancy may be issued for ~~a portion of the structure~~ or a portion thereof, conditioned upon further work being completed by a date certain and guaranteed, as applicable. Refer to Section 4-102 D. Completion or Bonding Prior to Certificate of Occupancy.

Section 1-208 Official Action.

- A. **Official Action.** All officials, departments, divisions, and employees of the city vested with authority to issue permits or grant approvals shall adhere to and require conformance with this Code.
- B. **Notice.** The failure of any *person* to receive mailed notice or failure to post a notice shall not invalidate any actions pursuant to this Code, except as otherwise determined by the City Attorney.

Section 1-209 Fractions Measurement.

Fractions or decimals equal to or greater than ~~five-tenths~~one-half (~~15/102~~ or 0.5) of a whole number shall be rounded up to the next whole number.

Section 1-210 Interpretation.

Unless the context clearly indicates the contrary, the following shall be interpreted as follows:

- A. Words used in the present tense include the future, words in the singular include the plural, and words in the plural include the singular;
- B. The word “shall” is mandatory and not permissive;
- C. The word “person” includes individuals, partnerships, corporations, clubs, or associations;
- D. “And” indicates that all connected words or provisions shall apply;
- E. “Or” indicates that the connected words or provisions may apply singly or in any combination;
- F. “Either . . . or” indicates that the connected words or provisions shall apply singly but not in combination; and
- G. Part, chapter and section references refer to parts, chapters and sections of this Code, unless otherwise specifically stated to the contrary.

CHAPTER 3 – OFFICERS, BOARDS AND COMMISSIONS

Section 1-301 Purpose.

Section 1-302 ~~Zoning Administrator~~ Development Services Manager.

Section 1-303 Zoning Administrator.

Section 1-304 Special Review Commissions/Committees.

Section 1-30~~3~~5 Hearing Officer.

Section 1-30~~4~~6 Board of Adjustment.

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Section 1-3~~100~~8 City Council.

Section 1-301 Purpose.

This Chapter sets forth the purpose, duties, organization, and powers of the city boards, commissions, and other bodies charged in making decisions under this Code. For a complete description of the decision making procedures they follow, ~~please~~ refer to Part 6, Chapter 1, Approval and Appeal Authorities.

Section 1-302 Development Services Manager.

A. Development Services Manager – Creation and Purpose. The Development Services Manager is the manager of the Development Services Department. The Development Services Manager directs the work of the department and leads the department in fulfilling its mission and goals.

B. Development Services Manager – Duties and Powers. The Development Services Manager shall have the duty to carry out the provisions and intent of the General Plan and this Code. The Development Services Manager shall have the power to Administratively review and approve, continue, deny, or approve with conditions the following:

1. Minor Development Plan applications;

2. Minor modification to approved Development Plans or Minor modification to conditions of approval to Development Plans pursuant to Sections 6-306 and 6-312;

3. Minor modification to approved Planned Area Development Overlay or Minor modification to conditions of approval to Planned Area Development Overlay pursuant to Sections 6-312;

4. Lot Split Applications pursuant to Chapter 30 of the City Code;

5. Sign permit applications pursuant to Section 4-904;

6. Time extension applications pursuant to Section 6-901; and

7. Other administrative requests in accordance with Part 6.

C. Development Services Manager – Appeals. Any person aggrieved by a decision of the Development Services Manager under this Code may file an appeal within 14 calendar days after the Development Services Manager has provided a written notice with their decision, in accordance with Part 6, Chapter 8, Appeals.

D. Development Services Manager – Reconsideration. Reconsideration of the Development Services Manager decisions shall comply with Part 6, Chapter 7 herein.

Section 1-3023 Zoning Administrator.

A. Zoning Administrator – ~~Created~~ Creation and Purpose. The Zoning Administrator is the ~~M~~anager of ~~D~~evelopment ~~S~~ervices Manager or his or her designee ~~is the Zoning Administrator.~~ The Zoning Administrator ~~He or she is created to interpret the meaning and intent of~~ this Code ~~in for the purpose of making decisions and recommendations on~~ applications.

B. Zoning Administrator – Duties and Powers. The Zoning Administrator shall have the duty to carry out the provisions and intent of the General Plan and this Code. The Zoning Administrator shall have the power to interpret and enforce this Code and hear shared parking applications.

1. Interpretation of this Code includes, but is not limited to, clarification of intention, determination of zoning classifications of land uses not specified in this Code, the delegation of processing procedures and requirements, and enforcement of Code provisions. The Zoning Administrator shall keep a record of interpretations made pursuant to this section. The record of interpretations shall be available to the public.

2. The Zoning Administrator may appoint representatives of the Development Services Department to enforce provisions of this Code.

3. Any land use that is unspecified in this Code and not classified by the Zoning Administrator is prohibited in any district.

~~B. Zoning Administrator – Duties and Powers.~~ ~~The Zoning Administrator is charged with the responsibility of interpretation and enforcement of this Code. Interpretation of this Code includes, but is not limited to, clarification of intention, determination of zoning classifications of land uses not specified in this Code, the delegation of processing entitlement procedures and requirements, and enforcement of Code provisions. The Zoning Administrator may appoint representatives of the Development Services Department to enforce provisions of this Code. Any land use that is unspecified in this Code and not classified by the Zoning Administrator is prohibited in any district.~~

~~C. Zoning Administrator – Appeals.~~ ~~Any person aggrieved by a decision of the Zoning Administrator under this Code may file an appeal to the Board of Adjustment, Planning and Zoning Commission or the Redevelopment Review Commission, as applicable, within 14 calendar days after the Zoning Administrator has rendered its decision, in accordance with Part 6, Chapter 8, Appeals. Appeals from the determinations of the Zoning Administrator may shall be taken to the Board of Adjustment or Redevelopment Review Commission as applicable, in conformance with the procedures in Part 6 Chapter 8, Appeals, of this Code.~~

~~D. Zoning Administrator - Reconsideration.~~ ~~Reconsideration of Zoning Administrator decisions shall comply with Part 6, Chapter 7 herein.~~

Section 1-304 Special Review Commissions/Committees.

A. Historic Preservation Commission.

1. Creation and Purpose. The Tempe Historic Preservation Commission is created by Tempe City Code to act in an advisory capacity to the city council in all matters concerning historic preservation. The commission shall make recommendations to the planning and zoning commission regarding designation of landmarks, historic properties and historic districts. The mission of the Tempe Historic Preservation Commission is to provide protection for significant properties and archeological sites which represent important aspects of Tempe's heritage; to enhance the character of the community by taking such properties and sites into account during development, and to assist owners in the preservation and restoration of their properties.

2. Duties and Powers. For the purpose of this Code, the Historic Preservation Commission shall have the powers to:

- a. Review applications for the designation of landmarks, historic properties and historic districts and make recommendations to the Planning and Zoning Commission and City Council. Such review shall be based on the criteria as specified in § 14A-4 of the City Code; and
- b. Review and make decisions on applications for proposed alterations, new construction, demolition or removal affecting landmarks, historic properties or properties located within an historic district. Such review shall be based on the criteria as specified in § 14A-6 of the City Code.

- c. Any recommendation by the Historic Preservation Commission relative to such application will be forwarded to the appropriate decision-making body as a part of the staff report regarding the request.
- 3. **Organization.** For Commission organization refer to City Code Chapter 14A. The Historic Preservation Commission shall adopt rules of procedure consistent with the provisions of this Code for the conduct of its business and procedure.

City Code reference – See TCC §14A, Historic Preservation Commission

B. Rio Salado Citizen Advisory Commission.

- 1. **Creation and Purpose.** The Rio Salado Citizen Advisory Commission is created to guide the development of the Rio Salado for the betterment of current and future citizens of Tempe. The purpose of the Rio Salado Overlay District is to accomplish the objectives of the specific plan referred to as the “Tempe Rio Salado Plan”, for opportunities of increased development requirements such as landscaping and citizen review.
- 2. **Duties and Powers.** For the purpose of this Code, the Rio Salado Citizen Advisory Commission shall have the powers to:
 - a. Review development proposals within the Rio Salado Overlay District;
 - b. Review *use permits* within the Rio Salado Overlay District
 - c. Solicit public input, which may include holding public hearings;
 - d. The Commission will review applications prior to a public hearing of the Hearing Officer, Board of Adjustment, and Planning and Zoning Commission or City Council meeting; and
 - e. Any recommendation by the Rio Salado Citizen Advisory Commission relative to such application will be forwarded to the appropriate decision-making body as a part of the staff report regarding the request.
- 3. **Organization.** For Commission organization refer to City Code Chapter 2, Article V, Div. 11. The Rio Salado Citizen Advisory Commission shall adopt rules of procedure consistent with the provisions of this Code for the conduct of its business and procedure.

City Code reference – See TCC §§ 2-275—2-284, Rio Salado Citizen Advisory Commission

C. Apache Boulevard Project Area Committee.

- 1. **Creation and Purpose.** The Apache Boulevard Project Area Committee is created to guide the development within the Apache Boulevard Redevelopment Area, which encourage reinvestment in the Apache Boulevard area in order to build a more desirable neighborhood in which people will enjoy living and working. Enhance the positive aspects of this area and promote desirable reuse of the land.

2. Duties and Powers. For the purpose of this Code, the Apache Boulevard Project Area Committee shall have the powers to:

- a. Review development proposals within the Apache Boulevard Redevelopment Area;
- b. Review use permits within the Apache Boulevard Redevelopment Area;
- c. The Committee will review applications prior to a public hearing of the Hearing Officer, Board of Adjustment, and Planning and Zoning Commission or City Council meeting; and
- d. Any recommendation by the Apache Boulevard Project Area Committee relative to such application will be forwarded to the appropriate decision-making body as a part of the staff report regarding the request.

3. Organization. The Apache Boulevard Project Area Committee shall adopt rules of procedure consistent with the provisions of this Code for the conduct of its business and procedure.

Reference – See Resolution No. 97.75, Apache Boulevard Redevelopment Plan

Section 1-303~~5~~ Hearing Officer.

A. Hearing Officer – Created and Purpose. The Hearing Officer ~~hereafter called "HO"~~ shall be appointed by the ~~Development Services Manager City Attorney or their~~ Development Services Manager or ~~his or her~~ designee. The ~~Hearing Officer is created to~~ Hearing Officer ~~conducts~~ conducts public hearings on specific applications ~~and interprets this Code in making decisions on applications as noted in Section 1-303 B. below.~~

B. Hearing Officer – Duties and Powers. The ~~HO~~ Hearing Officer ~~has~~ shall have the duty ~~to carry out the provisions and intent of the General Plan and this Code. The Hearing Officer shall have~~ the power to hold a public hearing to review ~~applications~~ and approve, continue, deny, or approve with conditions variances and use permits. The HO also hears appeals regarding the rental housing code and abatements under Tempe City Code. The HO Hearing Officer is charged with ~~shall have the~~ conditions, the following ~~duties and power~~ applications:

- 1. Hear requests for use permits and variances, as determined by the Development Services Manager, and as provided in Section 6-309 and Section 6-310 of this Code; Hear requests for use permits; Use permit applications pursuant to Section 6-308;
- 2. Variance applications pursuant to Section 6-309;
- 3. Hear appeals regarding the rental Rental housing code pursuant to Chapter 21 of the Tempe City Code; and
- 4. Abatements pursuant to Chapter 21 of the Tempe City Code and Section 6-310; Hear requests for variances; and

~~3.5. The Hearing Officer may in connection with any application, may impose conditions, deemed as it deems Prescribe in connection with any use permit or variance such conditions as necessary in order to fully carry out the provisions and intent of this Code, refer pursuant to Part 6 Chapter 6, Conditions of Approval.~~ Violation of any ~~HO~~ Hearing Officer condition shall be a violation of this Code.

C. Hearing Officer – ~~Organization~~ Procedure. ~~Meetings of Public Hearings conducted by the HO Hearing Officer shall be open to the public and conducted per the standards in accordance with Part 6 Chapter 5, Public Meetings and Public Hearings. The Hearing Officer HO will ask if there are public comments on each agenda item, and t~~The public shall be given an opportunity to testify orally or in writing. The minutes of its proceedings, ~~and records of the HO Hearing Officer's' examinations and other official actions,~~ shall be kept ~~and filed with~~ by the City Clerk in accordance with Section 6-503 as a public record.

D. ~~Hearing Officer – Appeals.~~ Any person aggrieved by a decision of the Hearing Officer under this Code may file an appeal to the Board of Adjustment, or the Redevelopment Review Commission as applicable, within 14 calendar days after the Hearing Officer has rendered its decision, in accordance with Part 6, Chapter 8. Appeals of the decisions of the Hearing Officer shall be heard de novo by the Board of Adjustment, or the Redevelopment Review Commission as applicable.~~Appeals of the decisions of the Hearing Officer HO shall be heard de novo by the Board of Adjustment or Redevelopment Review Commission as applicable, in conformance with the procedures in Part 6 Chapter 8, Appeals.~~

State law reference — A.R.S. §9-462.08 Hearing officer.

Section 1-3046 Board of Adjustment.

A. Board of Adjustment – Created and Purpose. The Board of Adjustment, ~~hereafter called “BA,”~~ is created to hold Public Hearings, as noted in Section 1-304 B below, to provide relief from the terms of this Code, and to hear applications and to hear and decide appeals from decisions of the Hearing Officer or Zoning Administrator.

State law reference — A.R.S. 9-462(A) Board of adjustment (creation)~~See A.R.S 9-4 for appeals of Board of Adjustment decisions.~~

B. Board of Adjustment – Duties and Powers. ~~The Board of Adjustment has the power to review applications and approve, continue, deny, or approve with conditions interprets this Code in hearing and deciding variances, and hearing and deciding appeals from decisions of the zoning administrative hHearing oOfficer or Zoning Administrator. The BA Board of Adjustment shall have the following duties and powers: The Board of Adjustment shall have the duty to carry out the provisions and intent of this Code. The Board of Adjustment shall have the power to hold Public Hearings to review and approve, continue, deny, or approve with conditions, applications for variances and use permits in accordance with Section 6-308 and 6-309, and appeals from decisions of the Hearing Officer or Zoning Administrator. The Board of Adjustment holds concurrent jurisdiction with the Redevelopment Review Commission in accordance with Section 1-308.~~

1. ~~Hear appeals from any decision made by the zoning administrative hHearing Oofficer; The Board of Adjustment shall hold a public hearing to review and approve, continue, deny or approve with conditions the following:~~
 - a. ~~Use permit applications pursuant to Section 6-308;~~
 - b. ~~Variance applications pursuant to Section 6-309;~~
 - c. ~~Appeals from any decision made by the Hearing Officer; and~~
 - d. ~~Appeals from any decision made by the Zoning Administrator.~~
2. ~~The Board of Adjustment shall not:~~
 - a. ~~Make any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of the zoning ordinance provided the restriction in this paragraph shall not affect the authority to grant variances pursuant to this article; and~~
 - b. ~~Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner.~~
3. ~~The Board of Adjustment may, in connection with any application, impose conditions as the Board deems necessary in order to fully carry out the provisions and intent of this Code, pursuant to Part 6, Chapter 6. Violation of any Board of Adjustment condition shall be a violation of this Code.~~

State law reference — A.R.S. 9-462.06(H). Board of adjustment.

2. ~~Hear appeals when there is an alleged error in afrom any decision made by the Zoning Administrator in the interpretation and enforcement of this Code; and~~
3. ~~Hear requests for use permits and variances, as determined by the Development Services Manager, and as provided in Section 6-309 and Section 6-310 of this Code; and~~

~~revisions and in connection with any variance application, may impose conditions, deemed necessary to fully carry out the provisions and intent of this Code, per Section 6-600 Conditions of Approval. Violation of any Board of Adjustment condition shall be a violation of this Code.~~

C. Board of Adjustment – Organization.

1. The Board of AdjustmentBA shall consist of seven (7) regular members and two (2) alternates ~~members appointed by the Mayor and confirmed by City Council. The alternates shall serve at the board meetings. Whenever regular board members are unable to attend or must decline due to conflict of interest, the alternate members shall serve at the board hearings. Each member shall be a resident of the city. All members shall be residents of the city, and shall be appointed by the Mayor with the approval of the City Council. The members of the~~ Each Board of AdjustmentBA member shall be appointed for serve a term of three- (3) years terms, unless sooner they submit written resignation or unless sooner removed by the council, and their terms shall be staggered so that the terms of at least two (2), but not more than three (3) members, conclude in any given year. Nothing herein shall affect the expiration of the current terms of the Board of AdjustmentBA. Vacancies for the unexpired term of a member shall be filled by the Mayor with City Council approval. The members of the Board of Adjustment shall serve without compensation;

The members of the Board of Adjustment shall serve without compensation;

2. ~~The Board of Adjustment~~BA shall elect a chairperson and vice-chairperson from among its own regular members who shall have power to administer oaths, take evidence, and set consent agendas. Elected officers shall serve from the first meeting of the Board of Adjustment following the first day of January of each year and until the 31st day of December of the same year. The chairperson shall appoint the chair and membership of all subcommittees of this Board;
2. The Board of Adjustment shall elect a chairperson and vice-chairperson from among its own regular members who shall have power to administer oaths, take evidence, and set consent agendas;
3. Hearings of the Board of AdjustmentBA shall be open to the public, and conducted per the standards in accordance with Part 6 Chapter 5, Public Meetings and Public Hearings. The chair will ask if there are public comments on each agenda item, and the public shall be given an opportunity to testify orally or in writing. The minutes of its proceedings, showing the vote of each member, and records of the board's' examinations and other official actions, shall be kept and filed withby the City Clerk in accordance with Section 6-503 as a public record.;
4. The Board of AdjustmentBA shall adopt rules of procedure consistent with the provisions of this Code for the conduct of its business and procedure.;

5. A quorum consists of four (4) members of the Board of Adjustment~~BA~~. The concurring vote of four (4) members of the Board of Adjustment~~BA~~ shall be necessary to act on any matter on its agenda, except that consent agenda items may be approved or continuances administratively granted as provided for in this section. In the event that Board members are not sufficiently available to make a quorum, a staff member is authorized to act as an alternate member on consent agenda items only and only to the extent that their presence makes a quorum. ~~Any other motion shall be governed by Robert's Rules of Order~~Robert's Rules of Order shall govern any other motion; and

6. The Development Services Manager, or ~~his or her~~a designated representative, shall serve ex officio as the secretary of the Board of Adjustment~~BA;~~ and.

~~7. Whenever a regular members are is either unable to attend or must decline due to conflict of interest, they that member shall give timely notice to the appropriate staff person of the Development Services Department. The staff shall then notify the alternate Board of AdjustmentBA member(s) to fill any vacancy. In the event that such members are not sufficiently available to make a quorum, staff are is authorized to act as an alternate members on consent agenda items only, and only to the extent that their presence makes a quorum.~~

D. Board of Adjustment – Appeals. Any person aggrieved by a decision of the Board of Adjustment under this Code may file an appeal to the Maricopa County Superior Court within 30 calendar days after the Board has rendered its decision, in accordance with Part 6, Chapter 8, Appeals.~~Appeals to BABA Board of Adjustment decisions shall be heard by to Maricopa County Superior Court in conformance with the procedures in Section 6-803 of this Code~~Part 6 Chapter 8, Appeals.

State law reference — See A.R.S 9-462 (K) Board of adjustment (appeal of decisions)

E. Board of Adjustment – Reconsideration. Reconsideration of Board of Adjustment decisions shall comply with Part 6, Chapter 7.

State law reference — See A.R.S 9-4 for appeals of Board of Adjustment decisions.

Section 1-3057 Planning and Zoning Commission.

- A. Planning and Zoning Commission – Creation and Purpose.** ~~The Planning and Zoning Commission is created to hold public hearings to provide analysis and recommendations to the City Council and to render final decisions on specified development applications as noted in Section 1-305 B below. The purpose of the Planning and Zoning Commission is to review all aspects of a proposed and future development including, but not limited to, present and projected growth of the city, site planning and the relationship of the development to the surrounding environment and the community. The Planning and Zoning Commission assists the City Council with advice and recommendations regarding general land use policies and applications where the Commission has recommendatory power, and to render final decisions on specified applications where the Commission has final decision-making power, as described below. The Planning and Zoning Commission recognizes the interdependence of land values, aesthetics and good site planning by promoting harmonious, safe, attractive and compatible development that is therefore considered to be in the best interest of health, safety and general welfare.~~ ~~The Planning and Zoning Commission, hereafter called "PZ," is created to make decisions on major development plans, planned area developments, use permits and variances, and provide analysis and recommendations to the City Council on the city's General Plan, proposed developments, re-zonings and Code amendments. Its purpose is to review all aspects of a proposed and future development including, but not limited to, present and projected growth of the city, site planning and the relationship of the development to the surrounding environment and the community. The PZ Planning and Zoning Commission recognizes the interdependence of land values, aesthetics and good site planning by promoting harmonious, safe, attractive and compatible development, that is therefore considered to be in the best interest of health, safety and general welfare.~~

City code reference—See TCC §25-16 et seq., establishing Planning and Zoning Commission, setting officers, meetings, powers and duties.

State law reference— A.R.S. 9-461.02. Planning commission; creation; limitations. ~~Planning commission hearings, notices, A.R.S. §9-462.04.~~

- B. Planning and Zoning Commission – Duties and Powers.** ~~In carrying out the provisions and intent of the General Plan, the Planning and Zoning Commission shall have the duty to carry out the provisions and intent of the General Plan.~~ ~~The Planning and Zoning Commission PZ has concurrent jurisdiction with the Redevelopment Review Commission in accordance with Section 1-308 and Table 6-101A.~~ shall have the following duties and powers to:

- 1. Final Decision-making Powers.** The Planning and Zoning Commission shall have the power to hold public hearings to review and make final decisions regarding the approval, continuance, denial, or approval with conditions of the following requests:
 - a. Use Permit applications pursuant to Section 6-308;
 - b. Preliminary Subdivision Plats pursuant to Section 6-307; and
 - c. Appeals from the Development Services Manager regarding minor modifications to approved Planned Area Development Overlays, or minor modifications to conditions of approved Planned Area Development Overlays.

2. Recommendation Powers. The Planning and Zoning Commission shall have the power to hold Public Hearings to review and recommend to the City Council approval, continuance, denial, or approval with conditions the following requests:

- a. General plan amendment and major amendment applications pursuant to Section 6-302;
- b. Zoning map amendment (re-zoning) and overlay district applications pursuant to Sections 6-304 and 6-305;
- c. Code text amendment applications pursuant to Section 6-304;
- d. Development plans and variances pursuant to Sections 6-306 and 6-309;
- ~~d.e.~~ Historic Preservation applications pursuant to § 14A-4 of the City Code; and
- f. Major modifications to approved Planned Area Development Overlays, or major modifications to conditions of approved Planned Area Development Overlays pursuant to Sections 6-312.

~~1. Hear requests for subdivisions, amendments to the General Plan, or Code text or district zoning district map, continue or and recommend approval, denial or approval with revisions and conditions upon such requests to the City Council; and~~

2.3. The Planning and Zoning Commission may prescribe in connection with any application such conditions as the Planning and Zoning Commission deems necessary in order to fully carry out the provisions and intent of this Code, pursuant to Part 6, Chapter 6, Conditions of Approval. ~~Hear requests for use permits, variances, development plans, and planned area developments, as determined by the Development Services Manager, and as provided in Section 6-309 and Section 6-310 of this Code, and continue or recommend approval, denial or approval with revisions and conditions upon such requests to the City Council. Refer to Table 6-101 A. approve, deny, or approve them with revisions and conditions. Violation of any PZ condition shall be a violation of this Code.~~

C.B. Planning and Zoning Commission – Organization.

1. The Planning and Zoning CommissionPZ shall consist of seven (7) regular members and two (2) alternates members appointed by the Mayor with the approval of the City Council. ~~The alternates shall serve at the commission meetings hearings w~~Whenever a regular board member is unable to attend or must decline due to conflict of interest, the alternates shall serve at the commission hearings. All PZ-members shall be residents of the city, at all times during their terms and shall be appointed by the Mayor with the approval of the City Council. ~~The members of the~~Each Planning and Zoning CommissionPZ member shall serve be appointed for ~~for~~ three (3) year terms, unless sooner removed by the council, and their terms shall be staggered so that the terms of at least two (2), but not more than three (3) members conclude in any given year. Nothing herein shall affect the expiration of the current terms of the Planning and Zoning CommissionPZ. ~~Any vacancies for the unexpired term of a member shall be filled by the Mayor, with City Council approval, for the unexpired term.~~The members of the Planning and Zoning Commission shall serve without compensation;

~~The members of the Planning and Zoning Commission shall serve without compensation;~~

2. The Planning and Zoning CommissionPZ shall elect a chairperson and vice-chairperson from among its own members who shall have power to administer oaths, take evidence, and set consent agendas;~~Elected officers shall serve from the first meeting of the Planning and Zoning Commission following the first day of January of each year and until the 31st day of December of the same year. The chairperson shall appoint the chair and membership of all subcommittees of this Commission;~~
3. Hearings of the Planning and Zoning CommissionPZ shall be open to the public ~~and conducted per the standards in accordance with Part 6 Chapter 5, Public Meetings and Public Hearings~~. ~~The chair will ask if there are public comments on each agenda item, and t~~The public shall be given an opportunity to testify orally or in writing. The minutes of its proceedings, showing the vote of each member, and records of the ~~boards~~Commission's examinations and other official actions, shall be kept ~~and filed with~~by the City Clerk in accordance with Section 6-503 as a public record~~;~~
4. The Planning and Zoning CommissionPZ shall adopt rules of procedure consistent with the provisions of this Code for the conduct of its business and procedure~~;~~

5. A quorum consists of four (4) members of the ~~PZ~~Planning and Zoning Commission. The concurring vote of four (4) members of the Planning and Zoning Commission~~PZ~~ shall be necessary to act on any matter on its agenda except that consent agenda items may be approved and continuances administratively granted as provided for in this section. In the event that Planning and Zoning Commission members are not sufficiently available to make a quorum. In such case, staff is authorized to act as members on consent agenda items only, and only to the extent that their presence makes a quorum. Robert's Rules of Order shall govern any other motion; and~~continue or recommend approve, denial, or approve with conditions, or make a recommendation on any application. Any other motion shall be governed by Robert's Rules of Order~~Robert's Rules of Order shall govern any other motion.
6. The Development Services Manager, or ~~his or her~~a designated representative, shall serve ex officio as secretary of the Planning and Zoning Commission~~PZ~~;
and
~~Whenever a member is either unable to attend or must decline due to conflict of interest, that member shall give timely notice to the appropriate staff person of the Development Services Department. The staff shall then notify the alternate Planning and Zoning Commission~~PZ ~~member(s) to fill any vacancyserve. In the event that such members are not sufficiently available to make a quorum, staff are is authorized to act as members on consent agenda items only, and only to the extent that their presence makes a quorum.~~

D. Planning and Zoning Commission – Appeals. ~~Appeals of PZ decisions shall be heard by City Council in conformance with the procedures in Section 6-803 of this Code.~~

1. Appeal of Final Commission Decision. Any person aggrieved by a final decision of the Planning and Zoning Commission pursuant to Section 1-307 B. 1. may file an appeal to the City Council within 14 calendar days after the Planning and Zoning Commission has rendered its decision, in accordance with Part 6, Chapter 8, Appeals.
2. Appeal of Commission Recommendation. Planning and Zoning Commission decisions regarding recommendations rendered to the City Council pursuant to Section 1-307 B. 1. are not final decisions but are recommendations made to the City Council.

E. Planning and Zoning Commission – Reconsideration. Reconsideration of Planning and Zoning Commission decisions shall comply with Part 6, Chapter 7.

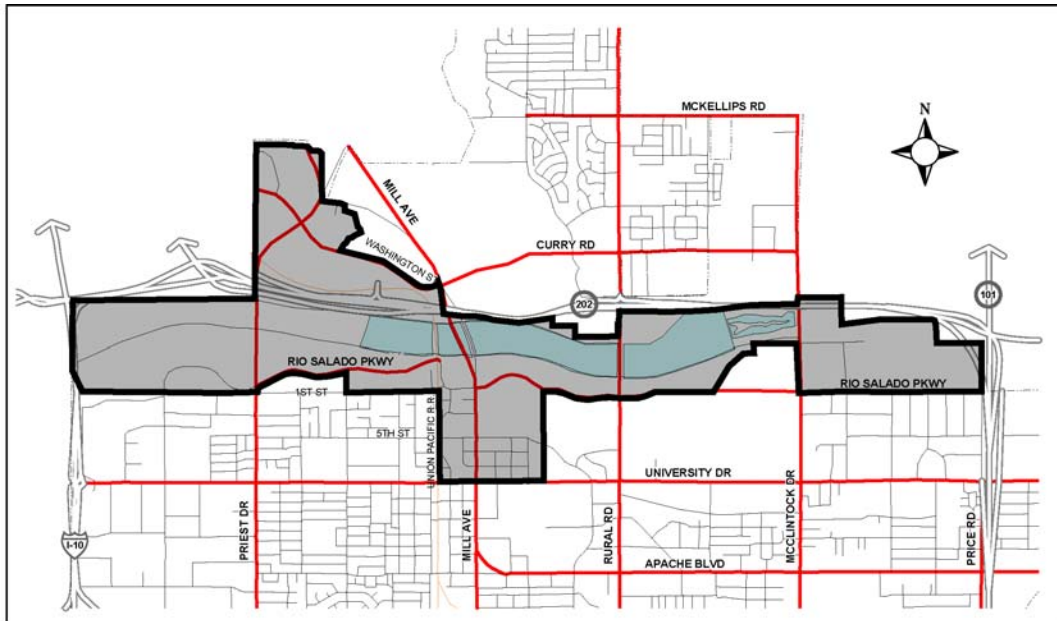
D.

Section 1-3068 Redevelopment Review Commission.

~~A. A. Established; Purpose and Composition~~Redevelopment Review Commission – Creation and Purpose. There is hereby established ~~the~~ Redevelopment Review Commission, hereafter referred to as RRC, ~~is created to hold public hearings and meetings to render decisions and recommendations on applications, in lieu of the City Council, Planning and Zoning Commission, Board of Adjustment and Design Review Board within the for the purpose of reviewing and making decisions and recommendations on applications, in lieu of the City Council, Board of AdjustmentBA, PZPlanning and Zoning Commission, and Design Review Board (DRB), within the areas described in subsections 1 and 2, belowspecified areas of the city described below.~~ The RRC shall be composed of seven (7) members and four (4) alternate members. The RRC will review development projects in the following areas of the city: The purpose of the Redevelopment Review Commission is to simultaneously review all aspects of a proposed and future development in order to facilitate comprehensive review. Such development review includes, but is not limited to, present and projected growth of the city, design aspects, site planning and the relationship of the development to the surrounding environment and the community. The Redevelopment Review Commission assists the City Council with advice and recommendations regarding applications where the Redevelopment Review Commission has the power to recommend, and to render final decisions on specified applications where the Redevelopment Review Commission has final decisionmaking power, as described below. The Redevelopment Review Commission recognizes the interdependence of land values, aesthetics and good site planning by promoting harmonious, safe, attractive and compatible development that is therefore considered to be in the best interest of health, safety and general welfare. This section, providing for the operation of the Redevelopment Review Commission, is only in effect for a period of three (3) years after its original effective date, unless further extended by appropriate City Council action.

The Redevelopment Review Commission shall review development projects in the following areas of the city:

1. University-Hayden Butte redevelopment area; and
2. Rio Salado-McClintock redevelopment area

Figure 1-3068. Redevelopment Review Commission Boundaries

B. Appointment of Members; Terms of Office Redevelopment Review Commission – Duties and Powers. The Redevelopment Review Commission shall have the duty to carry out the provisions and intent of the General Plan and this Code. The Redevelopment Review Commission has concurrent power with the Planning and Zoning Commission, Board of Adjustment and Design Review Board in accordance with Section 1-308 and Table 6-101A, to render final decisions on, or to review and recommend to the City Council approval, denial, or approval with conditions applications for development within the Redevelopment Review Area, in accordance with Section 1-308 A. The Redevelopment Review Commission shall exercise its powers consistent with the applicable laws, rules and procedures which govern the concurrent board or commission for each development application or request.

1. **Final Decision-making Powers.** The Redevelopment Review Commission shall have the power to hold public hearings or meetings, where applicable, to review and make final decisions regarding the approval, continuance, denial, or approval with conditions of the following requests:
 - a. Major Development Plan applications pursuant to Sections 6-306 and 6-312;
 - b. Major modification to Development Plans or conditions of approval to approved Major Development Plans pursuant to Sections 6-306 and 6-312;
 - c. Preliminary Subdivision Plat applications pursuant to Section 6-307;
 - d. Use Permit applications pursuant to Section 6-308;

e. Appeals of Development Services Manager decisions regarding Minor modifications to Development Plans or Minor modifications to conditions of approved Development Plans pursuant to Sections 6-312; and

f. Appeals from the Development Services Manager regarding Minor modifications to approved Planned Area Development Overlays, or Minor modifications to conditions to approved Planned Area Development Overlays.

2. **Recommendation Powers.** The Redevelopment Review Commission shall have the power to hold public hearings to review and recommend to the City Council approval, continuance, denial, or approval with conditions the following requests:

a. General plan amendment and major amendment applications pursuant to Section 6-302;

b. Zoning map amendment (re-zoning) and overlay district applications pursuant to Sections 6-304 and 6-305;

c. Code text amendment applications pursuant to Section 6-304;

d. Final subdivision plat applications pursuant to Section 6-307; and

e. Major modifications to approved Planned Area Development Overlays or major modifications to conditions of approved Planned Area Developments pursuant to Section 6-312.

3. The Redevelopment Review Commission may prescribe in connection with any application such conditions as the Redevelopment Review Commission deems necessary in order to fully carry out the provisions and intent of this Code, pursuant to Part 6, Chapter 6, Conditions of Approval.

~~2. The members and alternates of the RRC shall be appointed by the Mayor with the approval of the City Council. Members consist of one (1) current member from the Planning and Zoning Commission, one (1) current member from the Board of Adjustment, one (1) current member from the Design Review Board, one (1) current member from the Rio Salado citizen advisory commission, one (1) current member from the Parks and Recreation Board and two (2) members selected from residents of the city. The four (4) alternate members consist of one (1) current member from the Planning and Zoning Commission, one (1) current member from the Board of Adjustment, one (1) current member from the Design Review Board and one (1) current member from the Rio Salado citizen advisory commission. The alternates shall serve at the commission meetings whenever a regular commission member is unable to attend or must decline due to a conflict of interest.~~

~~3. The term of office for all RRC members appointed from either the PZ, BA, DRB, the Rio Salado citizen advisory commission or the Parks and Recreation Board shall be the equivalent time period of the term that member is serving on their respective board or commission, not to exceed three (3) years beginning on the date of appointment by the Mayor and City Council. The term of office of all remaining RRC members is three (3) years beginning on the date of appointment by the Mayor and City Council.~~

~~3. Any vacancies shall be filled for the unexpired term of the member whose office is vacant in the same manner as such member received original appointment.~~

C. Compensation Redevelopment Review Commission - Organization. ~~Members of the RRC shall receive no compensation for their services as commission members.~~

~~1. The Redevelopment Review Commission shall consist of seven (7) regular members and four (4) alternates appointed by the Mayor with the approval of the City Council. The seven (7) regular member of the Redevelopment Review Commission shall serve at the commission hearings whenever a regular board member is unable to attend or must decline due to conflict of interest. All members shall be residents of the city and shall be appointed by the Mayor with the approval of the City Council. Members consist of one (1) current member from the Planning and Zoning Commission, one (1) current member from the Board of Adjustment, one (1) current member from the Design Review Board, one (1) current member from the Rio Salado Citizen Advisory Commission, one (1) current member from the Parks and Recreation Board and two (2) members selected from residents of the city. The four (4) alternate members consist of one (1) current member from the Planning and Zoning Commission, one (1) current member from the Board of Adjustment, one (1) current member from the Design Review Board and one (1) current member from the Rio Salado Citizen Advisory Commission. The alternates shall serve at the Commission hearings or meetings whenever a regular member is unable to attend or must decline due to a conflict of interest. All Redevelopment Review Commission members and alternates shall be residents of the city at all times during their terms;~~

~~2. The term of office for all Redevelopment Review Commission members appointed from either the Planning and Zoning Commission, Board of Adjustment, Design Review Board, the Rio Salado Citizen Advisory Commission or the Parks and Recreation Board shall be the equivalent time period of the term that member is serving on their respective board or commission, not to exceed three (3) years beginning on the date of appointment by the Mayor and City Council. The term of office of all remaining Redevelopment Review Commission members is three (3) years beginning on the date of appointment by the Mayor and City Council. Vacancies shall be filled for the unexpired term of a member whose office is vacant in the same manner as such member received original appointment. The members of the Redevelopment Review Commission shall serve without compensation;~~

~~The members of the Redevelopment Review Commission shall serve without compensation;~~

3. ~~The Redevelopment Review Commission shall elect a chairperson and vice-chairperson from among its own members who shall have power to administer oaths, take evidence, and set consent agendas. Elected officers shall serve from the first meeting of the Redevelopment Review Commission following the first day of January of each year and until the 31st day of December of the same year. The chairperson shall appoint the chair and membership of all subcommittees of this Commission;~~
 4. ~~Meetings and hearings of the Redevelopment Review Commission shall be open to the public and conducted per the standards in accordance with Part 6 Chapter 5, Public Meetings and Public Hearings. The chair will ask if there are public comments on each agenda item, and the public shall be given an opportunity to testify orally or in writing. The minutes of its proceedings, showing the vote of each member, records of the commissions' examinations and other official actions, shall be kept and filed in the office of the development services department by the City Clerk in accordance with Section 6-503 as a public record;~~
 5. ~~The Redevelopment Review Commission shall adopt rules of procedure consistent with the provisions of this Code for the conduct of its business and procedure;~~
 6. ~~A quorum consists of four (4) members of the Redevelopment Review Commission. The concurring vote of four (4) members of the Redevelopment Review Commission shall be necessary to approve, deny, approve with conditions, or make a recommendation on any application, or to affect any variation from the terms and conditions of this Code. act on any matter on its agenda, except that consent agenda items may be approved or continuances administratively granted as provided for in this section. In the event that Commission members are not sufficiently available to make a quorum, staff are authorized to act as members on consent agenda items only, and only to the extent that their presence makes a quorum. Robert's Rules of Order shall govern any other motion;~~
 7. ~~The Development Services Manager, or designated representative, shall serve ex officio as secretary of the Redevelopment Review Commission;~~
- ~~Whenever a member is either unable to attend or must decline due to conflict of interest, that member shall give timely notice to the appropriate staff person of the Development Services Department. The staff shall then notify the alternate Redevelopment Review Commission member(s) to fill any vacancy. In the event that such members are not sufficiently available to make a quorum, staff is authorized to act as members on consent agenda items only, and only to the extent that their presence makes a quorum;~~

8. The rules and procedures for advertising, notification and scheduling of hearings before the Redevelopment Review Commission shall be consistent with the legal standards required for action before the Planning and Zoning Commission, Board of Adjustment or the Design Review Board depending upon the individual case subject. If any conflict exists between the provisions of this chapter regarding advertising, notification or scheduling and another applicable law then the stricter standard applies; and

9. This section, providing for the operation of the Redevelopment Review Commission, is only in effect for a period of three (3) years after its original effective date, unless further extended by appropriate City Council action.

D. Redevelopment Review Commission – Appeals. Appeals to Redevelopment Review Commission decisions shall be heard by City Council in conformance with the procedures in Section 6-800 of this Code.

1. Appeal of Final Commission Decision. Any person aggrieved by a final decision of the Redevelopment Review Commission pursuant to Section 1-307 B. 1. may file an appeal to the City Council within 14 calendar days after the Planning and Zoning Commission has rendered its decision, in accordance with Part 6, Chapter 8, Appeals.

2. Appeal of Commission Recommendation. Redevelopment Review Commission decisions regarding recommendations rendered to the City Council pursuant to Section 1-307 B. 1. are not final decisions but are recommendations made to the City Council.

E. Redevelopment Review Commission – Reconsideration. Reconsideration of Redevelopment Review Commission decisions shall comply with Part 6, Chapter 7.

Officers. The chairperson and such other officers, as the RRC by its rules of procedure may prescribe, shall be selected by the RRC members at the first meeting of the RRC following the first day of January of each year and shall serve until the 31st day of December of the same year. The chairperson shall appoint the chair and membership of all subcommittees of this RRC.

E.

Duties and Powers. The RRC shall have the following duties and powers:

1. Except for those powers granted to the Zoning Administrator and HO, the RRC shall exercise the powers granted to the PZ, the BA and the DRB consistent with applicable law for those boards and commission for any development action in the:

a. University-Hayden-Butte redevelopment area; and

b. Rio-Salado-McClintock redevelopment area.

~~2.Meetings of the RRC shall be open to the public. The chair will ask if there are public comments on each agenda item, and the public shall be given an opportunity to testify orally or in writing. The minutes of its proceedings, showing the vote of each member and records of its examinations and other official actions, shall be kept and filed in the office of the development services department as a public record;~~

~~2.The RRC shall not adopt rules of procedure that are inconsistent with Section 1-306 or other provisions of this Code;~~

~~3.The affirmative vote of four (4) members is required to approve any application or to decide any matter before the RRC. Four (4) members constitutes a quorum of the RRC;~~

~~4.Except for appeals, the rules and procedures for advertising, notification and scheduling of hearings before the RRC shall be consistent with the legal standards required for action before the PZ, the BA or the DRB depending upon the individual case subject. If any conflict exists between the provisions of this chapter regarding advertising, notification or scheduling and another applicable law then the stricter standard applies;~~

~~5.A person aggrieved by a decision of the RRC or a taxpayer, officer or department of the municipality affected by a decision of the RRC may file, at any time within fifteen (15) days after the RRC has rendered its decision, an appeal with the City Clerk. The City Council will hear the appeal in accordance with procedures adopted by the council and may affirm or reverse, in whole or in part, or modify the RRC's decision;~~

~~6.This section, providing for the operation of the RRC, is only in effect for a period of three (3) years after its original effective date, unless further extended by appropriate City Council action; and~~

~~8.The Development Services Manager, or his or her designated representative, shall serve ex officio as secretary of the RRC.~~

Section 1-3079 Design Review Board.

- A. Design Review Board – Creation and Purpose.** The Design Review Board, hereafter called "DRB," is created to review design aspects of proposed *developments* to encourage, protect, and enhance the functionality, attractiveness, *accessibility*, and safety of the City of Tempe. The city recognizes that the creation of a desirable environment throughout the city for residents, business and industry is a prime requisite for the preservation of property values, for the *development* of compatible uses and *buildings*, and for the preservation of public health, safety and general values. The Design Review Board~~DRB~~ recognizes the interdependence of land values, aesthetics and good site planning by promoting harmonious, safe, attractive and compatible *development*, that is therefore considered to be in the best interest of health, safety and general welfare.

B. Design Review Board – Duties and Powers. The ~~DRB~~Design Review Board shall have the duty to carry out the provisions and intent of the General Plan and this Code. The Design Review Board holds concurrent jurisdiction with the Redevelopment Review Commission in accordance with Section 1-308.~~following duties and powers to:~~

1. The Design Review Board shall have the power to hold public meetings to review and approve, continue, deny, or approve with conditions, design aspects of the following applications:
 - a. Major Development Plan applications for industrial, commercial, public facilities (excluding *public schools*) or multi-family *developments* pursuant to Sections 6-306;
 - b. Major modification to development plans or major modification to conditions of approved development plans for industrial, commercial, public facilities (excluding *public schools*) or multi-family *developments* pursuant to Sections 6-306 and 6-312, including, but not limited to building elevations, landscape, and sign design;
 - c. Appeals of Development Services Manager decisions regarding minor development plan applications pursuant to Sections 6-306 and 6-312;
 - d. Appeals from the Development Services Manager regarding minor modifications to approved development plans, or minor modifications to conditions of approved development plans pursuant to Sections 6-306 and 6-312.
2. The Design Review Board may prescribe in connection with any application such conditions as the Design Review Board deems necessary in order to fully carry out the provisions and intent of this Code, pursuant to Part 6, Chapter 6. Violation of any Design Review Board condition shall be a violation of this Code.
 1. ~~Conduct public meetings to review requests for major *development plan* approval for industrial *developments*, commercial *developments*, public facilities (excluding *public schools*) and multi-family *developments*. See also, Section 6-307B, for description of major versus minor *development plan*;~~
 2. ~~Review *development applications*, including: plans, exterior elements of *buildings*, *landscapes*, signage, additions to existing *buildings*, and modifications to a site;~~
(Grammar change)
 3. ~~Decide to Review *development plan* applications and approve, continue, deny, or approve with revisions, or deny development plan applications described in subsections 1 and 2 above; and~~
(Clarifies authority)
 4. ~~The DRB shall prescribe in connection with any request for a *development plan* application, may impose conditions, approval such conditions as the board may deemed necessary in order to fully carry out the provisions and intent of this Code, per Section 6-600 Conditions of Approval. Violation of any such Design Review Board conditions shall be a violation of this Code.~~

(Grammar change)

C. Design Review Board – Organization.

1. The Design Review Board~~DRB~~ shall ~~be composed~~consist of seven (7) regular members and two (2) alternates appointed by the Mayor with the approval of the City Council. The alternates shall serve at the board meetings whenever a regular board member is unable to attend or must decline due to a conflict of interest. All Design Review Board members shall be residents of the city at all times during their terms. The members shall be selected from residents of the city and shall be appointed by the Mayor with the approval of the City Council. At least two (2) members of the Design Review Board~~DRB~~ and ~~an one~~ (1) alternate shall be architects, landscape architects or otherwise qualified by design background, training or experience. The ~~terms of the members of the Design Review Board~~ shall ~~serve be appointed for~~ be for three (3) years ~~terms, unless sooner removed by the council, and their terms shall be so staggered so~~ that the terms of at least two (2), but not more than three (3), members ~~shall conclude in any given year. Nothing herein shall affect the expiration of the current terms of the Design Review Board~~~~DRB~~. ~~Any vacancies for the unexpired term of a member shall be filled by the Mayor, with City Council for the unexpired term approval.~~ The members of the Design Review Board shall serve without compensation.

The members of the Design Review Board shall serve without compensation.:

2. The ~~DRB~~Design Review Board shall elect a chairperson and vice-chairperson from among its own members who shall have power to ~~conduct board meetings~~administer oaths, take ~~public comment~~evidence, and set consent agendas. ~~Elected officers shall serve from the first meeting of the Design Review Board following the first day of January of each year and until the 31st day of December of the same year. The chairperson shall appoint the chair and membership of all subcommittees of this Board.~~
3. Meetings of the Design Review Board~~DRB~~ shall be open to the public and conducted per the standards in accordance with Part 6 Chapter 5, Public Meetings and Public Hearings. ~~The chair will ask if there are public comments on each agenda item, and t~~The public shall be given an opportunity to provide oral or written comments~~testify orally or in writing~~. The minutes of its proceedings, showing the vote of each member, ~~and~~ records of the board's examinations and other official actions, shall be kept ~~and filed with~~by the City Clerk in accordance with Section 6-503 as a public record.:
4. The Design Review Board~~DRB~~ shall adopt rules of procedure consistent with the provisions of this Code for the conduct of its business and procedure.:

5. ~~A quorum consists of Ffour (4) members of the Design Review Board. The concurring vote of four (4) members of the Design Review Board shall constitute a quorum of the board and four (4) affirmative votes shall be necessary required to act on any matter on its agenda, except that consent agenda items may be approved or continuances administratively granted as provided for in this section. In the event that Board members are not sufficiently available to make a quorum, staff are authorized to act as members on consent agenda items only, and only to the extent that their presence makes a quorum.~~ approve, continue, deny, or approve with conditions on any application. Any other motion shall be governed by Robert's Rules of OrderRobert's Rules of Order shall govern any other motion-; and
6. The Development Services Manager, or designated representative, shall serve ex officio as secretary of the Design Review Board.DRB, but shall have no vote-; and
- ~~6. Whenever a member is either unable to attend or must decline due to conflict of interest, that member shall give timely notice to the appropriate staff person of the Development Services Department. The staff shall then notify the alternate Design Review BoardDRB member(s) to servefill any vacancy. In the event that such members are not sufficiently available to make a quorum, staff are is authorized to act as members on consent agenda items only, and only to the extent that their presence makes a quorum.~~
- D. **Design Review Board - Appeals.** Appeals of to Design Review BoardDRB decisions shall be referred heard by to the City Council in conformance with the procedures in Section 6-800 of this Code, and processed in accordance with Sections 6-801 through 6-803. Any person aggrieved by a decision of the Design Review Board under this Code may file an appeal to the City Council within 14 calendar days after the Design Review Board has rendered its final decision, in accordance with Part 6, Chapter 8, Appeals.
- E. **Design Review Board – Reconsideration.** Reconsideration of Design Review Board decisions shall comply with Part 6, Chapter 7.

Section 1-30810 City Council.

- A. **City Council - Creationed and Purpose.** The City Council is created per the City Charter, Arizona Revised Statutes.
- B. **City Council - Duties and Powers.** For the purpose of this Code, the City Council will have the following duties and powers:
 1. Hear and decide requests for final subdivisions plats, general plan amendments ~~to the General Plan, code text amendments, or zoning map amendments (including overlay districts), annexations, lot line adjustments and major modifications to Planned Area Development Overlays or major modifications to conditions of approved Planned Area Development Overlays, pursuant to Part 6, Chapter 6 and use permits, variances, and PADs as applicable;~~

2. Hear and decide appeals of decisions of the Planning and Zoning Commission, Redevelopment Review Commission, and Design Review Board, regarding development plans, planned area development overlays, time extensions, preliminary subdivision plats, and use permits, pursuant to Part 6, Chapter 6; and
3. Council may prescribe in connection with a request noted in subsection 1 and 2 above, conditions as the council ~~may~~ deems necessary, in order to fully carry out the provisions and intent of the General Plan and this Code, pursuant to Part 6, Chapter 6. Violations of any such conditions shall be a violation of this Code.

C. City Council - Organization. Refer to City Charter and City Code.

D. City Council - Appeals. ~~Appeals of City Council decisions shall be processed to Maricopa County Superior Court. See Section 6-803, Appeal Criteria.~~ Any person aggrieved by a decision of the City Council under this Code may file an appeal to the Maricopa County Superior Court within 30 calendar days after the City Council has rendered its final decision, in accordance with Part 6, Chapter 8, Appeals.

E. City Council – Reconsideration. Reconsideration of City Council decisions shall comply with Part 6, Chapter 7.